SBCivil Writ Petition No.4747/2006

Chaina Ram
Vs.
State of Rajasthan & Anr.

Date of Order :: 4th October, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. D.S.Sodha, for the petitioner.
Mr. M.R.Singhvi, for the respondents.

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By this petition for writ a challenge is given to the validity of the order dated 14.8.2006 whereby the petitioner, a Class-IV employee, is transferred from the office of Additional Superintendent of Police, Excise Preventive Force, Jodhpur to the office of District Excise Officer, Sirohi.

The contention of counsel for the petitioner is that the order impugned is arbitrary in nature being passed in colourable exercise of powers. It is contended that the petitioner was posted as Guard in the office of Additional Superintendent of Police, Excise Preventive Force, Jodhpur by an order dated 13.7.2006 but the respondents just within a period of about one month re-transferred him and posted at a distant place i.e. in the office of District Excise Officer, Sirohi.

A reply to the writ petition has been filed on behalf of the respondents stating therein that the

petitioner is transferred in administrative exigency for the reason that on 7.8.2006 the petitioner without getting the office locked left the office premises during working hours. The petitioner on 11.8.2006 reported at office at 11.30 AM and till then the office was not unlocked and that effected functioning of the office adversely. He also misbehaved with staff of the office.

Heard counsel for the parties.

It is contended by counsel for the petitioner that the petitioner has been subjected to transfer as a measure of punishment in view of the averments contained in reply to the writ petition.

I have considered the same. The petitioner has not filed any rejoinder to the reply to the writ petition refuting that he left the office on 8.8.2006 during office hours without getting the office locked. He has also not refuted the fact that on 11.8.2006 he reported at office at 11.30 AM. Every employee is required to discharge his duties in a manner that may not adversely effect the interest of administration where he is working. If any person acts contrary to that then it is always open for the employer to take appropriate action to meet such circumstances. The respondents looking to the existing circumstances choose to transfer the petitioner and that is nothing

but a act under administrative exigency. The order of transfer is not at all stigmatic and,, therefore, it cannot be treated as a measure of punishment.

The writ petition, therefore, is dismissed. It is made clear that whatever stated in this order will not effect any right of the petitioner, if any disciplinary action is taken against him for the acts referred above.

No order to cost.

(GOVIND MATHUR),J.

kkm/ps.